

DAO-40 (Rev. 10/93) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the District of Massachusetts  
2005 DEC 20 12:50

Olena Oltar

V.

Kevin M. Leary

U.S. DISTRICT COURT  
DISTRICT OF MASS

**SUMMONS IN A CIVIL CASE**

**04-12594 RGS**  
CASE NUMBER

TO: (Name and address of Defendant)

Kevin Leary

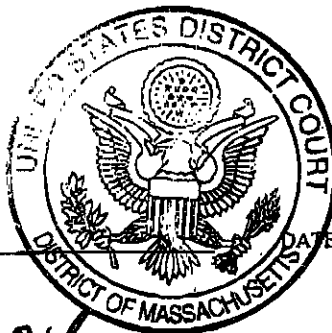
100 Federal St. Boston

**YOU ARE HEREBY SUMMONED** and required to serve upon **PLAINTIFF'S ATTORNEY** (name and address)

David J. Berg  
Latti & Anderson, LLP  
30-31 Union Wharf  
Boston, MA 02109

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK **TONY ANASTAS**



DATE DEC 13 2004

(By) DEPUTY CLERK

*[Signature]*

DATE \_\_\_\_\_

**January 12, 2005**

**BURTON M. MALKOFSKY**

**TITLE**

### Process Server / A Disinterested Person

☒ Served personally upon the defendant. Place where served:

**100 Federal Street, Boston**

, MASSACHUSETTS

☐ Left copies thereof at the defendant's dwelling or usual place of abode with a person of suitable age and discretion then residing therein. Name of person whom the summons and complaint were left:

Said service was made at:

, MASSACHUSETTS

☐ Other: By handing true and attested copies thereof to

Duly Authorized Agent for the within-named

Said service was made at:

MASSACHUSETTS

<b>SERVICE FEE</b>	<b>\$</b>	<b>50.00</b>	<b>Trips</b>
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I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on January 12, 2005  
Date

**Signature of Server**

One Devonshire Place, Boston, Massachusetts  
**Address of Server**

PLEASE NOTE THAT IT WAS NECESSARY TO MAKE \_\_\_\_ ATTEMPTS BEFORE MAKING PROPER SERVICE.

Date	Time	Remarks
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**FEE**

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

**TOTAL**

(1) As to who may serve a summons see Rule 4 to the Federal Rules of Civil Procedure.

**Suvalle, Jodrey & Associates**  
**Massachusetts Constables since 1925**

**One Devonshire Place  
Boston, MA 02109**

Telephone # (617) 720-5733  
Fax # (617) 720-5737

### RETURN OF SERVICE

DATE \_\_\_\_\_

Service of the Summons and complaint was made by me<sup>(1)</sup>  
NAME OF SERVER (PRINT) \_\_\_\_\_

TITLE \_\_\_\_\_

*Check one box below to indicate appropriate method of service*

- ☐ Served personally upon the third-party defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_

### STATEMENT OF SERVICE FEES

TRAVEL \_\_\_\_\_

SERVICES \_\_\_\_\_

TOTAL \_\_\_\_\_

### DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_

Date

Signature of Server \_\_\_\_\_

Address of Server \_\_\_\_\_

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.